

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKU.S. DISTRICT COURT
NEW YORK
DOCUMENTELECTRONICALLY FILED
DOC #: 3/27/08
DATE FILED: 3/27/08

GREAT NORTHERN INSURANCE)
 COMPANY, AVCON INDUSTRIES,)
 INC.,)
)
 Plaintiffs,)
)
 v.)
)
 YELLOW TRANSPORTATION, INC..)
)

Defendant.

SHIRA A. SCHEINDLIN, U.S.D.J.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R.Civ. P. 16(b) on March 13, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

March 26, 2008

(2) a concise statement of the issues as they then appear;

Cargo damage claim for goods transported in interstate commerce. Removed pursuant to Carmack Amendment, 49 USC §14706 - \$19, 217.65 in damages alleged.

(3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;
 Representatives of plaintiff and of Avcon Industries, Inc.

Representatives of Yellow Transportation, Inc.

(b) a schedule for the production of documents; Parties to produce documents by April 25, 2008

(c) dates by which:

Plaintiff's

(i) each expert's reports will be supplied to the adverse side

Plaintiff to provide expert report(s) by May 23, 2008

Defendant to provide expert report(s) by June 20, 2008

and

(ii) each expert's deposition will be completed; July 31, 2008

(d) time when discovery is to be completed; August 29, 2008

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

Sept 22, 2008

8/18

(f) the date by which the parties will submit a pre-trial order in a form confirming with the Court's instructions together with trial briefs and either (1)proposed findings of fact and conclusions of law for anon-jury trial, or (2)proposed voir dire questions and proposed jury instructions, for a jury trial; and

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(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

8/20 at 4:30

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders; None

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement. None

(6) anticipated fields of expert testimony, if any;

- packaging (including but not limited to crate design and construction)
- condition of the goods prior to transportation by defendant
- condition of goods (alleged damage) after transportation by defendant
- type and necessity of repairs to the goods
- cost of repairs to the goods

(7) anticipated length of trial and whether to court or jury;

two (2) days to the court

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

(9) names, addresses, phone numbers and signatures of counsel;

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SO ORDERED:


SHIRA A. SCHEINDLIN, U.S.D.J.

3/26/08